



**UNITED STATES GOVERNMENT**  
**NATIONAL LABOR RELATIONS BOARD**  
Region 1 Boston, Massachusetts  
10 Causeway Street, 6th Floor  
Boston, MA 02222-1072  
(617) 565-6700

March 9, 2004

Gary D. Picard  
80 Meadow Street  
Pawtucket, RI 02860

Re: First Student, Inc.  
Case 1-RD-2025

Dear Mr. Picard:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been investigated and considered.

Background: Your petition seeking decertification of Teamsters Local 251 was filed on November 6, 2003. On September 17, 2003, before your petition was filed, Teamsters Local 251 filed an unfair labor practice charge against First Student in Case 1-CA-41251, concerning the Central Falls, Rhode Island location that is the subject of your petition. In this charge, Teamsters Local 251 alleged that First Student has chronically made errors in the deduction of union dues and initiation fees from employee paychecks. On September 17, 2003, Teamsters Local 251 filed a similar unfair labor practice charge concerning First Student's Providence, Rhode Island location, and on September 29, 2003, another union, Teamsters Local 170, filed a similar charge involving a First Student location in Ashburnham, Massachusetts. I authorized complaint with respect to the allegations in each of these charges. The Region and the Employer have entered into a settlement agreement with respect to the allegations in all three cases, but the remedial actions called for in the settlement agreement are not complete.

Decision to Dismiss: I have concluded, primarily based on the unfair labor practices alleged in Case 1-CA-41251, but with consideration for the unfair labor practices found in the other cases mentioned above, that the showing of interest in support of this petition was affected by the allegedly unlawful conduct of First Student. When unfair labor practices predate a decertification petition, there is a presumption that the decertification effort was influenced by the alleged misconduct. Liberty Fabrics, Inc., 327 NLRB 38 (1998). Further, the Board has held that an employer's agreement to settle outstanding unfair labor practice charges and complaints by recognizing and bargaining with the union requires final dismissal, without provision for reinstatement, of a decertification petition or other petition challenging the union's majority status filed subsequent to the onset of the alleged unlawful conduct. Douglas-Randall, 320 NLRB 431, 435 (1995).

For the foregoing reasons, your petition must be dismissed.

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National

Labor Relations Board. If you wish to file request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

**Request Due Date:** The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at 5 p.m. on **March 17, 2004**. However, if you mail the request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission.

**Extension of Time to File Request:** If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, by facsimile transmission, or through the Internet. The fax number is (202) 273-4270. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

**Request Contents:** The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss the petition is incorrect.

**Address for Request for Review:** The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14<sup>th</sup> Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

Rosemary Pye  
Regional Director

cc:  
First Student Inc.  
40 Higginson Avenue  
Central Falls, RI 02863  
Attn: Jim Castelli

International Brotherhood of Teamsters Local 251, AFL-CIO  
121 Brightridge Avenue  
East Providence, RI 02914

International Brotherhood of Teamsters, AFL-CIO  
25 Louisiana Avenue, NW  
Washington, DC 20001  
Attn: Michael Murphy